

EXHIBIT “16”

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1 Hon. Stephen E. Haberfeld
 2 JAMS
 3 707 Wilshire Blvd., 46th Fl.
 4 Los Angeles, CA 90007
 5 (213)253-9704
 6 Arbitrator

7
 8 JAMS

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 10 MARC J. RANDAZZA,

JAMS Ref. No.1260002283

11 Claimant,

12 v.

ORDER RE CLAIMANT'S RENEWED
 MOTION TO COMPEL

13 EXCELSIOR MEDIA CORPORATION
 14 AND LIBERTY MEDIA HOLDINGS,

15 Respondents.
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22 Claimant and Cross-Respondent Marc Randazza's ("Randazza's") renewed
 23 motion to compel discovery from Respondents and Cross-Complainants Excelsior
 24 Media Corporation and Liberty Media Holdings' (collectively, "Respondents")
 25 came on for hearing on March 12, 2014.

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1 The matter having been heard and carefully considered by the Arbitrator, and
 2 good cause appearing, IT IS HEREBY ORDERED as follows:

3 (1) Regarding Respondents' Allegations of Conflict of Interest:

4 Respondents' Requests for Production ("Requests") Nos. 5, 33, 34, 35, 36,
 5 and 44 and Interrogatories Nos. 5, 19, 20, 21, and 22 relate to Respondents'
 6 allegations of conflict of interest and/or breach of contract arising from
 7 Randazza's representing or having other clients during his employment
 8 and/or the contract term in suit in this arbitration. Pursuant to the
 9 Arbitrator's January 30, 2014 Order, Respondents sent a letter identifying
 10 the clients or possible clients they claim created a conflict of interest, and
 11 describing the basis of their assertion they created a conflict. Because the
 12 parties disagreed as to whether Respondents' letter satisfied the terms of the
 13 Arbitrator's Order, the Arbitrator has revisited and resolved the issue as
 14 follows:

- 15 a. Respondents' letter identifies many potential clients of Randazza's
 16 and describes the purported conflict of interest as "Competitor."
 17 Similarly, Respondents' letter identifies many potential clients and
 18 states that Randazza represented them in litigation, without specifying
 19 the alleged conflict of interest created or any alleged resulting harm
 20 from the creation of an alleged conflict of interest. Unless and until
 21 Respondents supplement their entries and provide greater detail
 22 supporting their allegations of conflict of interest, including
 23 particularizing the harm allegedly caused by the conflict, Randazza
 24 need not respond to these entries.
- 25 b. Randazza is ordered to respond to Respondents' letter as to the
 26 following potential clients: Titan Men, Kink, Porn Guardian, Xbiz,
 27 BoyProfits, PrideTube, Expensify, XVideos, and MoJo Host.

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1 specifying the alleged conflicts of interest by March 20, 2014.

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3 (2) Regarding Randazza's Motion to Compel:

4 In the January 30, 2014 Order the Judge ordered Randazza and Respondents
5 to meet and confer further regarding Randazza's Requests for Production of
6 Documents. The parties have met and conferred and narrowed the issues
7 requiring the Arbitrator's resolution. The Arbitrator rules as follows:

- 8 a. Randazza's Request for Production No. 3 seeks the bar complaints
9 that Respondents submitted to various state bars regarding Randazza.
10 The Arbitrator grants Randazza's Motion to Compel as to this request.
- 11 b. Randazza's Request for Production Nos. 25 and 26 seek the
12 communications related to the recent re-settlement of the Oron
13 Litigation and the settlement agreement itself. Respondents object
14 that the communications contain material protected by the Attorney-
15 Client Privilege and the Work Product Doctrine and that the
16 settlement agreement contains a confidentiality provision. The
17 Arbitrator suggested that Respondents promptly seek permission
18 from Oron to disclose the new settlement agreement in discovery in
19 this arbitration, subject to a protective order and JAMS
20 Comprehensive Arbitration Rule 26, as a way to avoid further
21 proceedings in this arbitration concerning disclosure of the new
22 settlement agreement. If Oron does not consent, Respondents are
23 ordered to promptly provide the confidentiality provision in the new
24 settlement agreement to the Arbitrator and opposing counsel. Further,
25 Respondents are ordered to promptly provide Claimant and the
26 Arbitrator with a written privilege log, meeting the requirements of
27 the California Code of Civil Procedure, as to any and all
28 communications related to the recent re-settlement of the Oron



1 Litigation and, if applicable, the settlement agreement itself, which
 2 Respondents reasonably believe and contend are privileged from
 3 disclosure under any cognizable privilege asserted and to assemble all
 4 such documents for in camera review.

5 The Arbitrator reserves ruling on Requests Nos. 25 and 26, pending
 6 Oron's prompt agreement to permit production of the settlement
 7 agreement or Respondents' prompt disclosure of the confidentiality
 8 provision and, further, pending the parties promptly submitting best
 9 available authority, if any, concerning or bearing on whether or not the
 10 Arbitrator may compel Respondents to disclose the settlement agreement
 11 under any conditions and/or circumstances.

12 c. Randazza's Request No. 27 seeks communications that post-date
 13 Randazza's termination. Randazza has proposed narrowing this
 14 request to the same categories of communications that Respondents
 15 agreed to provide for the period in which Randazza was employed by
 16 Respondents. Respondents object that communications that post-date
 17 Randazza's termination are irrelevant. The Arbitrator grants
 18 Randazza's motion to compel as to this request as narrowed in
 19 Randazza's proposal, which is set forth in footnotes 2 and 4 of
 20 Randazza's February 12, 2014 letter to the Arbitrator.

21 d. Randazza's Request No. 28 seeks Respondents' payment records to
 22 the Randazza Legal Group. Respondents object that these documents
 23 are not relevant to the parties' dispute, as Respondents do not intend to
 24 raise the issue of Respondents' payments to the Randazza Legal
 25 Group. The Arbitrator hereby orders the parties to meet and confer
 26 and prepare a stipulation that satisfies all parties' concerns. In the
 27 event the parties are not able to agree on a stipulation, the Arbitrator
 28 will revisit and resolve this issue at a later date.

1 (3) Regarding Scheduling:

2 The parties agree that discovery has taken longer than originally anticipated
 3 and that they are unlikely to complete discovery, depositions, and dispositive
 4 motion practice prior to the Arbitration Hearing evidentiary sessions
 5 previously scheduled for May 2014. Pursuant to the parties' agreement, the
 6 Arbitrator orders that the evidentiary sessions of the Arbitration Hearing be
 7 continued to September 29, 2014 through October 3, 2014, inclusive. The
 8 parties shall meet and confer and prepare an amended schedule, including
 9 discovery, deposition, and dispositive motion deadlines, and send that
 10 schedule to the Arbitrator on or before Wednesday March 19, 2014.

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 12 IT IS SO ORDERED.

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 14 DATED: March 31, 2014

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 STEPHEN E. HABERFELD
 Arbitrator

BROWN, WHITE & NEWHOUSE^{LLP}
 ATTORNEYS



PROOF OF SERVICE BY EMAIL & U.S. MAIL

Re: Randazza, Marc J. vs. Excelsior Media Corp., Liberty Media Holdings LLC, Jason Gibson
Reference No. 1260002283

I, NICK SMITH, not a party to the within action, hereby declare that on March 31, 2014 I served the attached ORDER RE: CLAIMANT'S RENEWED MOTION TO COMPEL on the parties in the within action by Email and by depositing true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in the United States Mail, at Los Angeles, CALIFORNIA, addressed as follows:

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Jason Gibson
Liberty Media Holdings

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Parties Represented:
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Parties Represented:
Excelsior Media Corp.

I declare under penalty of perjury the foregoing to be true and correct. Executed at Los Angeles, CALIFORNIA on March 31, 2014.



NICK SMITH
nsmith@jamsadr.com